IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 17TH JULY 2007 / 26TH ASHADHA 1929

WP(C).No. 18414 of 2007(P)

PETITIONER:

NEENA VATAKKAYIL, PUTHENPURAYIL HOUSE,
PERAMBRA P.O., KOZHIKODE - 673 525.

BY ADV. SRI.V.G.ARUN
SRI.T.R.HARIKUMAR

RESPONDENTS:
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1. THE ASSISTANT EDUCATIONAL OFFICER,
PERAMBRA, KOZHIKODE.

2. THE DISTRICT EDUCATIONAL OFFICER,
VADAKARA, KOZHIKODE.

3. THE DIRECTOR OF PUBLIC INSTRUCTION,
TRIVANDRUM.

4. THE MANAGER, PERAMBRA, A.U.P.SCHOOL,
PERAMBRA, KOZHIKODE.

5. SHYNI P., PUTHIYOTTIL HOUSE,
KALPATHUR P.O., MEPPAYYUR, KOZHIKODE.

BY ADV. SRI.P.G.PARAMESWARA PANICKER (SR.)
SRI.P.GOPAL
GOVT.PLEADER SI.A.J.VARGHESE.
BY ADV.SRI.P.C.SASIDHARAN - R5.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (wp.18414/2007)

EXT.P1: TRUE COPY OF ORDER DT. 5/12/2003.

EXT.P2: DO. DT. 15/10/2004.

EXT.P3: DO. DT. 27/11/04.

EXT.P4: DO. DT. 30/1/2006.

EXT.P5: DO. DT. 25/8/2006.

EXT.P6: TRUE COPY OF REVISION FILED BEFORE R3 DT. 9/10/2006.

EXT.P7: TRUE COPY OF APPEAL MEMORANDUM DT. 23/10/2006.

EXT.P8: TRUE COPY OF GOVT. ORDER DT. 4/8/2004.

A.K. Basheer, J.

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W.P(C) No. 18414 of 2007

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Dated this the 17th day of July, 2007.

J U D G M E N T

Petitioner was appointed as a probationary Hindi Teacher in the school under the management of respondent No.4 with effect from June 1, 2005. Her grievance is that her appointment is not being approved in view of the pendency of W.P(C). No.31333/2004. In the said Writ Petition respondent No.5 herein had challenged the order passed by the Government rejecting her claim under Rule 51B of Chapter XIV-A KER. Today I have disposed of the above writ petition. Therefore the impediment in considering the request of the petitioner for approval of her appointment does not exist any more.

2. Further, it is brought to my notice that the petitioner has preferred Ext.P6 appeal before the Director of Public Instruction against the order passed by the Controlling Officer refusing to grant approval for her appointment. The Manager has also preferred Ext.P7 appeal before the Director against the order of the District Educational Officer.

3. Respondent No.5 who is a claimant under Rule 51B has got a contention that the appointment of the petitioner is not liable to be approved. She has raised several contentions in support of the above plea. But in W.P.No.21333/04 it has been held that respondent No.5 is not entitled to get the benefit of Rule 51B. Therefore she need not be heard by the Director while deciding

Exts.P6 and P7.

In the above facts and circumstances the writ petition is disposed of with a direction to respondent No.3 to consider and pass orders on Exts.P6 and P7 strictly on their merit and in accordance with law, as expeditiously as possible, at any rate within two months from the date of receipt of a copy of this judgment. Respondent No.3 shall ensure that petitioner and the Manager are afforded sufficient opportunity to be heard before any orders are passed in the matter.

A.K. Basheer
Judge.

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